

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                              ) Case No. 4:23-cr-00351-MTS (JSD)  
                                )  
GARNELL AUGUST CARTER, )  
                                )  
Defendant.                 )

**OPINION, MEMORANDUM, AND ORDER**

This matter is before the Court on Defendant Garnell August Carter's Motion to Dismiss Indictment on Second Amendment Grounds, Doc. [103]. Pursuant to 28 U.S.C. § 636(b), the Motion was referred to United States Magistrate Judge Joseph S. Dueker, who recommended that the Motion be denied. No objections were filed. As no objections were filed, I will adopt and sustain the Report and Recommendation filed by Judge Dueker. I have independently reviewed his recommendation and agree there is no basis under the facts and the law to dismiss the indictment against Defendant.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge Joseph S. Dueker, Doc. [106], is **SUSTAINED, ADOPTED, and INCORPORATED** herein, and Defendant Garnell August Carter's Motion to Dismiss Indictment on Second Amendment Grounds, Doc. [103], is **DENIED**.

Dated this 30th day of May, 2025.



MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE